

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Plaintiff

v.

NORTONLIFELOCK INC.,

Defendant

Civil Action No. 3:13-cv-00808-MHL

**NORTONLIFELOCK’S NOTICE IN RESPONSE TO THE COURT’S MARCH 15
ORDER (DKT. NO. 890)**

Counsel for Defendant NortonLifeLock, Inc. (“Norton”) hereby submits this notice in response to Dkt. No. 890 (the “Order”) regarding Norton’s Motions *in Limine* Nos. 5 and 6. Columbia’s opposition to those motions did not raise any arguments relating to potential conflicts of interest. Nevertheless, the Court’s Order, outside of the parties’ adversarial process, on an incomplete and one-sided record, and without basis in fact or law, *sua sponte* raised a potential conflict of interest between Quinn Emanuel’s representation of Norton and its representation of Dr. Dacier as a basis for denying Norton’s Motions in Limine Nos. 5 and 6. Thus, rather than ruling on the issues actually raised by the parties, the Court then ordered that “counsel for Norton must disclose on the record in writing any information garnered from Dr. Dacier during the period their representation of Dr. Dacier was a conflict.” Dkt. 890. The Court’s Order demands the disclosure of privileged communications between Quinn Emanuel and its client Dr. Dacier, despite Dr. Dacier’s sworn declaration that he is represented by Quinn Emanuel and has been so represented throughout this litigation. This *sua sponte* order exceeds this Court’s authority, including because Dr. Dacier is not a party before this Court and is not subject to this

Court's jurisdiction. Therefore, this Court has no authority to waive Dr. Dacier's attorney-client privilege. Accordingly, Quinn Emanuel will not waive that privilege (which it also has no authority to do), absent appellate review of the Court's order.

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DATED: March 16, 2022

NORTONLIFELOCK INC.

By _____/s/

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